

EXHIBIT 454

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - -

IN RE: NATIONAL	:	
PRESCRIPTION	:	MDL No. 2804
OPIATE LITIGATION	:	
	:	Case No.
	:	1:17-MD-2804
THIS DOCUMENT RELATES	:	
TO ALL CASES	:	Hon. Dan A. Polster

- - -

Thursday, January 3, 2019

HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
CONFIDENTIALITY REVIEW

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Videotaped deposition of JILL A. STRANG, held
at the offices of Cavitch, Familo & Durkin,
1300 East Ninth Street, Cleveland, Ohio, commencing at
8:57 a.m., on the above date, before Carol A. Kirk,
Registered Merit Reporter and Notary Public.

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<p style="text-align: right;">Page 62</p> <p>1 A. They call if they need -- if they 2 have questions, if they need something. I do 3 communicate with all of the stores. 4 Q. Is it mostly a, "Hey, Jill, we 5 need this many bottles of this drug and it 6 didn't show up on time or we need it by this 7 date"? 8 Is that mostly what it's like? 9 A. Every day when the trucks are 10 there, if they need something, if they have 11 questions about different topics, recalls. I 12 mean, I talk to everybody about all the topics. 13 Q. Okay. 14 A. Daily. 15 Q. Do you also communicate or act as 16 an intermediary between DDM and distributors or 17 manufacturers? 18 A. I do. 19 Q. Because you're the buyer, right? 20 A. Yes. 21 Q. So you're the primary person 22 communicating with them, at least on the front 23 end, to get product, correct? 24 A. Yes.</p>	<p style="text-align: right;">Page 64</p> <p>1 necessarily limiting it to you, but I can ask 2 follow -- I'll ask follow-ups, but describe for 3 me what DDM's policies and procedures are 4 regarding the diversion of opioids. 5 A. Are you referring to when they 6 order from me, from the distribution center? 7 Q. Just kind of -- what I'd like you 8 to do is give me a full picture of what DDM does 9 to prevent diversion and comply with the CSA. 10 A. Okay. So what we do is, the 11 stores order weekly. 12 Q. Okay. 13 A. It is ordered through a system 14 called Pioneer. It gives them a recommended 15 order. Each store can set their own minimums 16 and maximums on that. So that way, you know, 17 everything is -- certain stores -- depending on 18 how much they've been dispensing. That order is 19 sent over. 20 As soon as they send the order, 21 they receive back a document that says, "Order 22 items over six-week average." They're given the 23 opportunity right there to review any items. 24 Sometimes it has no items. I've seen a few that</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. Okay. Presumably somebody else 2 pays invoices later and they probably 3 communicate with their financial department, but 4 you're primarily communicating with them on a 5 drug procurement level, right? 6 A. Yes. 7 Q. And that would include, you know, 8 issues regarding diversion and suspicious order 9 monitoring? 10 A. Yes. 11 Q. And drug thresholds and things 12 like that? 13 A. Yes. 14 Q. Okay. And as the individual at 15 DDM primarily responsible for suspicious order 16 monitoring on the distribution end, you agree 17 that DDM has an obligation to monitor orders and 18 shipments for suspicious -- or that look 19 suspicious or may have red flags? 20 A. Yes. 21 Q. Indicative of diversion? 22 A. Yes. 23 Q. Okay. So tell me what -- and I'm 24 just going to talk generally speaking. I'm not</p>	<p style="text-align: right;">Page 65</p> <p>1 have just antibiotics on them, you know, nothing 2 controlled. And, you know, they ordered three 3 bottles instead of two bottles. But they are 4 given that chance to review if anything 5 populates over a six-week average. They have 6 the opportunity to send that to me. 7 As we get the orders, prior to 8 2016, we had a -- it was called a pick ticket. 9 It was a manual way of pulling. And the pullers 10 would -- you know, if it says they wanted two of 11 this, they'd put two, and they'd manually write 12 a two. Items on that pick ticket would have an 13 asterisk next to it if it could have been on the 14 six-week average report, over six-week average. 15 It was very rare that any controls 16 would show up on that. The other items -- 17 unless something -- again, the pullers know 18 their product. You know, if they wanted -- if 19 they normally pull one, two or three of 20 something and all of a sudden somebody wants 20 21 of something, that would be brought to my 22 attention. 23 In our system, I have history of 24 every item. So I would go into the history of</p>

<p style="text-align: right;">Page 66</p> <p>1 that particular store and the chain of all --</p> <p>2 the whole chain. So I could see if that order</p> <p>3 was an order error or I could see if -- you</p> <p>4 know, if it meant a call to the store, which</p> <p>5 usually I would call the store, based off of</p> <p>6 their history.</p> <p>7 And then if the store said, "Oh,</p> <p>8 no, no. We'd prefer to have -- and we only need</p> <p>9 two of those," let's say. We would manually</p> <p>10 change that, and that got turned in to be</p> <p>11 invoiced, so it never left the building, you</p> <p>12 know, the product was shipped with the changes.</p> <p>13 As far as controls, same thing,</p> <p>14 same exact procedure. You know, if there was</p> <p>15 any changes, we would make the change before it</p> <p>16 left the building.</p> <p>17 If I had a store -- and this is</p> <p>18 just as an example. If I had a store that I</p> <p>19 thought every week was ordering something and</p> <p>20 for whatever reason it was every week I was</p> <p>21 calling the same store, I would then go to Jason</p> <p>22 and Pete. That was usually never the case.</p> <p>23 We usually resolved what that</p> <p>24 issue was, you know, whether it was -- it might</p>	<p style="text-align: right;">Page 68</p> <p>1 right now is just the accuracy of pulling the</p> <p>2 right amount that's needed, right?</p> <p>3 A. And the accuracy of the drug</p> <p>4 pulled.</p> <p>5 Q. Okay. Which -- and my question</p> <p>6 had to do with suspicious order monitoring and</p> <p>7 diversion, right?</p> <p>8 A. Yes.</p> <p>9 Q. So certainly that's -- those --</p> <p>10 that type of precision would prevent against</p> <p>11 inventory problems or theft, right?</p> <p>12 A. Mm-hmm.</p> <p>13 Q. But it wouldn't address other</p> <p>14 issues like associated with suspicious orders,</p> <p>15 right?</p> <p>16 A. Not this part of it, no.</p> <p>17 Q. Okay. And so I want to just make</p> <p>18 sure I'm clear. As it relates to suspicious</p> <p>19 orders, what you would do is you would get a --</p> <p>20 was it a weekly report?</p> <p>21 A. No. The store would get the -- as</p> <p>22 soon as they sent their order --</p> <p>23 Q. Okay.</p> <p>24 A. -- they would get a report, right,</p>
<p style="text-align: right;">Page 67</p> <p>1 have said, you know, eleven instead of one or</p> <p>2 whatever. But we would fix that. It was</p> <p>3 invoiced, and that would be the procedure for</p> <p>4 it.</p> <p>5 Once everything is invoiced, we</p> <p>6 always made sure that the invoice was in with</p> <p>7 the control tote, all changes were done, and</p> <p>8 we'd leave.</p> <p>9 Q. Okay. I appreciate that.</p> <p>10 Was that -- did the scope of what</p> <p>11 you did, what you just described, has that</p> <p>12 changed at any time?</p> <p>13 A. It has only because in 2016, we</p> <p>14 went to a voice-activated pulling system.</p> <p>15 Q. Okay.</p> <p>16 A. And so now instead of having the</p> <p>17 manual paper in front of you, it's read -- the</p> <p>18 slot is read to the puller. They have a check</p> <p>19 digit that they read back to them to say that</p> <p>20 they are pulling the correct item. The voice</p> <p>21 activation says "pull two." They say "grab</p> <p>22 two." It's confirmed and they put it in the</p> <p>23 tote.</p> <p>24 Q. And what you're talking about</p>	<p style="text-align: right;">Page 69</p> <p>1 about that order and what items might be over a</p> <p>2 six-week average.</p> <p>3 Q. Okay. So let's say store number 1</p> <p>4 sends in an order for hydrocodone, and this</p> <p>5 obviously would have been prior to 2014 when it</p> <p>6 became Schedule II, right?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. So store number 1 sends in</p> <p>9 an order for hydrocodone and it exceeds what</p> <p>10 their prior six-week average is. Does it have</p> <p>11 to exceed it by a certain percent?</p> <p>12 A. It must have -- to be on that</p> <p>13 form, it has to be the six-week average. So if</p> <p>14 they ordered one, one, one, and then two, it</p> <p>15 might hit the six-week average --</p> <p>16 Q. And that would be --</p> <p>17 A. -- if it's above.</p> <p>18 Q. Okay. It would have to be</p> <p>19 99 percent above the six-week average; is that</p> <p>20 right?</p> <p>21 A. I don't know.</p> <p>22 Q. You're not sure. Okay.</p> <p>23 So as far as you know, if it was</p> <p>24 above the six-week average, then the Pioneer</p>

<p style="text-align: right;">Page 70</p> <p>1 would automatically spit out a report that would 2 go to them, to the store? 3 A. It would go to the store. 4 Q. Okay. Would it come to you? 5 A. Not unless -- not unless they sent 6 it to me. 7 Q. Not unless the store sent it to 8 you? 9 A. Exactly. 10 Q. Okay. So store 1 submits an order 11 for hydrocodone, and let's say in your example 12 they order one bottle a week for the prior six 13 weeks, okay? 14 A. Yes. 15 Q. And then on the seventh week they 16 order two bottles, right? 17 A. Yes. 18 Q. Okay. And this is just my 19 hypothetical. They would then get a report from 20 Pioneer that says, "Hey, this order is greater 21 than your six-week average," fair? 22 A. Yes, yes. 23 Q. Okay. But you wouldn't get that 24 report, right?</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Okay. So all the drugs that are 2 listed on that report have already been shipped 3 out, right? 4 A. Yes. 5 Q. Okay. And so the only potentially 6 prospective report would be the six-week average 7 report, right? 8 A. That, and the knowledge of the 9 person pulling. If it was two bottles instead 10 of one bottle, but if there were five, six, 11 seven bottles, that would definitely be in 12 question. 13 Q. Okay. But you're just relying on 14 someone's memory at that point, right? 15 A. And their knowledge of our stores. 16 Q. Okay. And there's 74 of them, 17 right? 18 A. Yes. 19 Q. Okay. And so let's say a 20 pharmacist gets this, you know, six-week average 21 report, and they ordered one bottle and this 22 time they order two and they get it and they're 23 like, "Well, I know, you know, this is legit." 24 Were there ever instances where</p>
<p style="text-align: right;">Page 71</p> <p>1 A. I do not. 2 Q. Okay. And the only way you would 3 learn that they were ordering more than their 4 six-week average would be if the chief 5 pharmacist contacted you and told you about it, 6 correct? 7 A. Yes. 8 Q. Okay. And so was there anybody at 9 DDM corporate or in the warehouse that would 10 also be notified when one of those reports was 11 generated? 12 A. Yes -- not when the report was 13 generated. If the order was pulled as two, as 14 in your example, monthly there was a report that 15 Tom Nameth and Jason Briscoe would look at, and 16 they would contact that store and inquire, you 17 know, as to why. 18 Q. Okay. 19 A. If there was more patients or 20 whatever, and they would have the ability to 21 answer back as to why. 22 Q. You'd agree that that's sort of 23 more of a retrospective report, correct? 24 A. Yes.</p>	<p style="text-align: right;">Page 73</p> <p>1 they would just, you know, file that report away 2 and not do anything further, that you know of? 3 A. That I know of, yes. 4 Q. Okay. And so did DDM require the 5 chief pharmacist to take any action when they 6 received a report like that? 7 A. No. It's up to their discretion. 8 Q. Okay. And it was sort of a, "Hey, 9 heads up, your average is this, but this time 10 you ordered that. Just wanted to make sure that 11 was right." 12 A. Yes. 13 Q. Okay. And so in that sense, I 14 think this phrase we've used before is it was 15 kind of a fat-finger report to make sure there 16 were no typing errors? 17 A. Yes. 18 MR. JOHNSON: That's a term that 19 you have used. 20 MR. MULLIGAN: Well, other people 21 have used it, too. I think one of your 22 witnesses used it once. 23 MR. JOHNSON: Only in response to 24 the questioning.</p>

<p style="text-align: right;">Page 74</p> <p>1 MR. MULLIGAN: I like it.</p> <p>2 BY MR. MULLIGAN:</p> <p>3 Q. Okay.</p> <p>4 A. And that is what we call it.</p> <p>5 Q. You do call it that?</p> <p>6 MR. MULLIGAN: Well, there we go.</p> <p>7 MR. JOHNSON: There you go.</p> <p>8 MR. MULLIGAN: Your objection is</p> <p>9 now gone. Thank you. That's funny.</p> <p>10 BY MR. MULLIGAN:</p> <p>11 Q. Okay. So you do call that the</p> <p>12 fat-finger report?</p> <p>13 A. Well, not all the time.</p> <p>14 Q. Okay.</p> <p>15 A. If you see an eleven and they</p> <p>16 really wanted one, back when they used to order,</p> <p>17 that could have been typed in that way.</p> <p>18 That's --</p> <p>19 Q. You mean they held the one down a</p> <p>20 little bit too --</p> <p>21 A. Yes, to us an order error, and we</p> <p>22 definitely questioned those.</p> <p>23 Q. Okay. Was that the primary</p> <p>24 purpose of that six-week average report, was to</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. Okay. But it wasn't really part</p> <p>2 of Jill Strang's suspicious order monitoring --</p> <p>3 A. It was not part of mine. It was a</p> <p>4 layer to --</p> <p>5 MR. JOHNSON: Let him get his</p> <p>6 questions all the way out.</p> <p>7 Q. So that six-week average report</p> <p>8 wasn't part of yours or corporate's suspicious</p> <p>9 order monitoring tools?</p> <p>10 A. No.</p> <p>11 Q. Okay. And, again, you'd agree</p> <p>12 that was the only report that was actually</p> <p>13 prospective. It was a report that generated</p> <p>14 before the drugs were shipped, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And I think you mentioned a</p> <p>17 different report. It was a monthly report,</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And that was a report that</p> <p>21 was generated monthly by either Tom or Jason?</p> <p>22 A. It was an automatic report that</p> <p>23 was given to Tom, and then when Tom retired,</p> <p>24 Jason took it over, that they could review it to</p>
<p style="text-align: right;">Page 75</p> <p>1 make sure that you didn't send eleven bottles to</p> <p>2 a pharmacist who really just wanted one?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And so would it be fair to</p> <p>5 say that that six-week average report, at least</p> <p>6 for your purposes, wasn't really part -- wasn't</p> <p>7 really something that you used to monitor for</p> <p>8 suspicious orders?</p> <p>9 A. It was one of the layers that we</p> <p>10 used at store level to raise the fact that there</p> <p>11 might be one or two items on there that you may</p> <p>12 want or may not want due to the eleven and one</p> <p>13 example.</p> <p>14 Q. Okay. But it wasn't a report that</p> <p>15 you got every week and you looked at every one</p> <p>16 and you call all the pharmacists?</p> <p>17 A. No.</p> <p>18 Q. Okay. So it was really just left</p> <p>19 to the pharmacist to make sure that they were</p> <p>20 getting what they wanted to get and it was sort</p> <p>21 of a check to make sure you didn't ship ten</p> <p>22 bottles when they only wanted one?</p> <p>23 A. It was definitely a tool that they</p> <p>24 could use.</p>	<p style="text-align: right;">Page 77</p> <p>1 see if there were any increases in families of</p> <p>2 drugs, I suppose.</p> <p>3 Q. Was that report on a store level</p> <p>4 or a chain level; do you know?</p> <p>5 A. Chain. It was by store but for</p> <p>6 the whole chain.</p> <p>7 Q. Okay. And it was automatically</p> <p>8 generated each month?</p> <p>9 A. Yes.</p> <p>10 Q. And it was e-mailed by Pioneer</p> <p>11 to -- how was that done?</p> <p>12 A. I think it was generated at</p> <p>13 corporate.</p> <p>14 Q. Okay. So it sounds like you</p> <p>15 weren't part of that process?</p> <p>16 A. I was not.</p> <p>17 Q. Okay. Have you ever looked at</p> <p>18 that report?</p> <p>19 A. I've seen it, but I've never</p> <p>20 analyzed it, and I've never done anything with</p> <p>21 it.</p> <p>22 Q. Okay. So you're not the person to</p> <p>23 ask about that?</p> <p>24 A. No.</p>